

February 7, 2018

ERIE COUNTY COUNCIL – Regular Meeting

Chairman Foust called to order a Regular Meeting of the Erie County Council at 7:00 p.m. at the Erie County Council Chambers, 140 West 6th Street, Room 117, Erie, PA.

Roll Call

Following the Pledge of Allegiance, the County Clerk called the roll:

- Members Present: Mr. Anderson
 Mrs. Fatica
 Mr. Horton
 Mr. Leone
 Mr. Rastetter
 Dr. Foust
- Members Absent: Mrs. Loll
- Also Present: Douglas R. Smith, County Clerk
 Sue Ellen Pasquale, Manager of Accounting
 James Sparber, Director of Finance
 Joseph Maloney, CPA

Hearing of The Public

Randy Barnes, Harborcreek, PA; Mr. Barnes mentioned a site – Regional CollegePA.org. which is the Northern PA Regional College, first known as the Rural Regional Community College. He stated that elected officials asked for this college and all elected officials should support this college. He felt that to not support this initiative is a disservice and wasteful of taxpayer money. Mr. Barnes gave an analogy regarding large ships/freighters and that Council is controlling the bridge – Erie County. Council has control of the gaming revenue money. He felt that Council has a lot of control over that money. In most cities, the prime real estate is in downtown, but not in Erie. Mr. Barnes feels that Erie County is not going in a good direction.

Approval of Minutes

Mr. Leone moved to approve the minutes the January 23, 2018 Regular Meeting. This was seconded by Mrs. Fatica and carried in a unanimous roll call vote.

**Reports of
County Officials**

Mrs. Fatica stated that the Finance Committee met on Thursday, February 1, 2018, and agreed to place Ordinances 9 and 11, 2018, and Resolution 12 and 14, 2018 under Old Business; Ordinances 12 and 13, 2018, Resolutions 16-18, 2018, and four Board/Authority appointments under New Business on the agenda.

Mr. Horton made the following statement:

“I come to you tonight with mixed emotions. It has been 89 days since the USA Today-Wall Street article came out citing Erie as the worst place in America for Blacks to live. To date, I myself haven’t taken any action, or my colleagues. I haven’t heard or seen any action taken from the County Executive, from the Mayor of the City of Erie, both past and the Mayor elect. I haven’t seen or heard any tangible action taken from City Council, the nonprofit community, which really baffles me in light of the United Way announcement. I haven’t heard anything or seen any substantial action from clergy both Black or White and it is quite troubling to me. I don’t usually comment on our speakers, but since Mr. Barnes is talking about the community college and what we should or could or what we don’t look like we’re doing, I submit to you for argument that things like summer jobs or community colleges not only give hope to those who are vulnerable among us, they bear fruit. We absolutely support the NW Regional College or any other opportunity that is presented to the citizens of Erie County; however, we do realize that currently the NW Regional College covers over 7,000 square miles and have about 100 students total. Not 100 students in each county, 100 students total. That number may have changed a little, but

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probably not, not enough to substantiate us abandoning our plans. It doesn't come anywhere near the scale of the problem. We at the County are charged with Human Services and should be very concerned about that. I propose and will be proposing in the future, because far be it from me to come and throw the problem out there without offering up a solution. I'm not sure it's the only solution, but in days and weeks to come, I will be approaching this body, approaching the City, and whosoever will listen, about Community Benefit Agreements, which results in local hiring, which results in hiring Erie people, and not just construction jobs. In my district alone, close to \$1 billion in development going on and I don't see a lot of people of color or women on those projects, which is almost shameful. I think that it makes good policy to do those type of agreements and ensure that we have local hires so that our dollars are not going back down I79 or going back down I80 at the end of the summer when my co-workers come up and have six, seven, eight to a room, shop, feed themselves, and take it back to their community where it matriculates through their community seven, eight, or nine times. I will Does not want the money going out of the community. I will be introducing Community Benefit Agreements to whoever will listen. I'll be back at the next meeting. I know that the spring elections are coming up. That article isn't going away and I will do everything I can to keep it at the forefront of people's minds. When the article came out, it seemed as if there were hand-picked members of the African-American community who disagreed with the article. I can tell you that the overwhelming amount of people that I have spoken with, and myself, although the numbers may have been skewed a little bit, the article is pretty accurate and at times like this, sometimes we hand-pick what we call the 'leadership' in the African-American community like we're a monolithic people and we have a king, which we don't, and we go to him to get the politically correct answer, 'oh it's really not that bad'. Well I'm here as an African American leader, it's that bad, and so if we're displacing people and gentrifying people in these neighborhoods, then we should at least be able to extract some type of tangible benefit for the citizenry that is being displaced and affected by it. I will be back in a couple weeks with more of an update on the USA Today Wall Street article.”.

Chairman Foust stated that he and Mr. Horton had a discussion a few weeks ago that at the end of 2017, Mr. Horton had an expert speaker come in about Community Benefit Agreements. Chairman Foust was not able to make that meeting, but he encouraged Mr. Horton to, if possible, get the gentleman back to give Council his perspective to hopefully guide Council on this particular issue.

Chairman Foust then commented that it is a sad and solemn announcement that he had to make that he was given some information at the end of last week that really affects anybody involved with County government, and by extension all of Erie County, not necessarily for the good. The County's good friend, Mr. Maloney, who for 38 years has been the financial advisor of County Council, because of his workload and increasing workload at his own firm, has decided to resign that post effective at the end of February, 2018. Chairman Foust did not want to speak for everyone, but felt he could in the sense that Mr. Maloney will be sadly, sadly missed by Council, by the Administration, and by extension the people of Erie County who have benefitted greatly from his expertise, his humanity, his good humor, and his professional that he has provided Council for so many years. Chairman Foust stated Mr. Maloney will sorely, sorely missed and it will be impossible to replace him. Chairman Foust stated Mr. Maloney is a true gentleman and he is going to miss him. Chairman Foust then submitted the following letter from Mr. Maloney to be entered into the record:

*“Kyle Foust, Chairman
County Council
Erie, PA 16501*

Dear Kyle:

In my thirty-eight years as the financial advisor to County Council, I have been involved in many great projects and have been appreciative of the opportunities given me. I have enjoyed the many people I have been able to work with and consider them my friends. After a review of my practice and my workload, I have decided to resign as the Financial Advisor to County Council effective

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February 28, 2018. I will be available to assist you in this transition period and if you like I can help with getting a replacement up to date.

The one project I would like to continue to work on is the Community College application and startup of the college. Let me know if you want me to continue with this project.

Thanks again for the opportunities and support from you and your fellow Council People over my many years.

Sincerely,

*Joseph P. Maloney, CPA, CFE
Partner
Maloney, Reed, Scarpitti & Company LLP”.*

Mr. Leone stated he has been on Council most of the time with Joe and to say you're going to miss him is an understatement. Joe Maloney has been Council's stallworth as far as finances are concerned. Mr. Leone commented that when Joe said this is the way it has to go, no one was willing to go against him because he is a man of character, a man he certainly will miss, don't know how he will be replaced. Mr. Leone doesn't feel that Council will be able to find someone who is good enough to be able to replace Mr. Maloney. The sad part is that not only Joe Maloney is leaving, but Sue Ellen is leaving too. They have both been excellent and Mr. Leone doesn't know who Council will depend on from here on out.

Mrs. Fatica commented that this is a surprise. Mr. Maloney has served well and is a good friend to Mr. Fatica and when Mrs. Fatica was appointed to Council, he said to her, "Do you want to sit down and go over the entire County budget, let me know when you want to do that." She joked that they haven't finished and they'll have to talk about that date. She stated that he will be missed and she wished him well and thanked him for all he has done.

Mr. Horton stated that he came in four years ago and thought he knew more than he did about County government and he quickly found out that County government is a behemoth of services and it is impossible to know everything, but every time he went to Mr. Maloney with confusion or uncertainty, not just about the numbers, but the nuances on Council, and when he had the notion to revisit the community college, he knew there were two people he had to convince and he knew he could get one if he could get Joe Maloney because, as was just said, rarely did County Council go against the advice of Joe, so he was able to open Mr. Leone's mind enough to where the citizens of this County are going to benefit. Mr. Horton stated that Mr. Maloney is the epitome of a gentleman. Politics is not always friendly, but he has never seen Mr. Maloney's demeanor change. Mr. Maloney has been a steadying guide when the seven members were in need of direction and Mr. Maloney provided that direction, not only to Council but to 280,000 citizens of Erie County. He will be missed, not only his wit but his expertise, his professionalism. Finding a replacement won't happen because there is no replacing Joe Maloney.

Mr. Anderson commented that Joe is a gentleman and working with him has been a pleasure. He stated that the expertise brought to the community college argument will never be measured by the citizens of Erie County and they are in a debt of gratitude to Mr. Maloney. Mr. Anderson looks forward to working with Mr. Maloney on other projects outside of Erie County and wished him well.

Mr. Rastetter thanked Mr. Maloney for getting everyone in line so that he, as a new member of Council, doesn't have to worry about anything.

Chairman Foust did state that Joe would like to remain involved in the community college application and based on what was said here, he encouraged Council and the Administration to secure that advice, professionalism, and expertise whenever possible. He agreed with transition to get Mr. Maloney's replacement in place. Chairman Foust asked Mr. Maloney to help Mr. Smith

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with the RFP process to secure the next advisor. Chairman Foust feels that is an open and transparent process.

OLD BUSINESS

Ord. 9, 2018 – GF SA for Review of County Def. Comp. Plans

Mr. Smith gave a second reading of Ordinance Number 9, 2018, “Fourth 2018 General Fund Budget of \$15,500 for Review of County’s Deferred Compensation Plan”. This was moved by Mr. Leone, seconded by Mr. Horton, and carried in a unanimous roll call vote.

Ord. 11, 2018 – GF SA for Inc. in Prof. Fees

Mr. Smith gave a second reading of Ordinance Number 11, 2018, “Fifth 2018 General Fund Budget Supplemental Appropriation of \$38,000 for Increase in Professional Fees”. This was moved by Mr. Leone, seconded by Mrs. Fatica, and carried in a unanimous roll call vote.

Chairman Foust explained that Ordinances for Council procedure need two readings before they can be passed, unless Council moves first readings to a second to expedite the matter. Resolutions, because those are not in fact law, only require one reading.

Res. 12, 2018 – Appr. Solicitor Contract – Tax Assessment/Board Of Assmt. Appeals

Mr. Smith gave a reading of Resolution Number 12, 2018, “Approving Solicitor Contract Submitted by Office of Tax Assessment/Board of Assessment Appeals”. This was moved by Mr. Leone and seconded by Mr. Horton.

Mr. Leone wanted to be sure that the language in this contract, along with the next resolution, has been approved by Solicitor. This was confirmed by Clerk Smith.

Resolution 12, 2018 then carried in a unanimous roll call vote

Res. 14, 2018 – Appr. Agmt. b/w County & Knox McLaughlin, et al

Mr. Smith gave a reading of Resolution Number 14, 2018, “Approving an Agreement for Legal Services Between the County of Erie and Knox, McLaughlin, Gornall and Sennett, P.C.”. This was moved by Mr. Leone, seconded by Mr. Horton, and carried in a unanimous roll call vote.

Motion to Amend The Agenda

Mr. Leone moved to make Ordinances 12 and 13 second readings, along with the additions of two appointments – David Mitchell to the Land Bank, Sandra Myers to OCY Board. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

NEW BUSINESS

Ord. 12, 2018 – GF SA for DUI Enforcement Grant

Mr. Smith gave a second reading of Ordinance Number 12, 2018, “Sixth 2018 General Fund Budget Supplemental Appropriation of \$34,350 and Creation of Line Items for 2017-2018 DUI Enforcement Grant”. This was moved by Mr. Anderson, seconded by Mr. Horton, and carried in a unanimous roll call vote.

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**Ord. 13, 2018 – GF
Rev. Exp. & Appr. Of
Solicitor Contract in
Clerk of Records Ofc.**

Mr. Smith gave a second reading of Ordinance Number 13, 2018, “2018 General Fund Budget Revised Expenditures of \$8,332 and the Approval of a Solicitor Contract for the Clerk of Records Office”. This was moved by Mr. Anderson and seconded by Mr. Leone

Mr. Horton asked for clarification that this contract was reviewed and approved by the Solicitor. Mr. Smith confirmed that it was.

Ordinance Number 13, 2018, then carried in a unanimous roll call vote.

**Res. 16, 2018 – Appr.
Revision to FY 2014
CDBG Program**

Mr. Smith gave a reading of Resolution Number 16, 2018, “Resolution Approving a Revision to Erie County’s FY 2014 Community Development Block Grant Program”. This was moved by Mr. Anderson, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Res. 17, 2018 – Appr.
Solicitor Contract –
Coroner Office**

Mr. Smith gave a reading of Resolution Number 17, 2018, “Approving Solicitor Contract Submitted by the Erie County Coroner”. This was moved by Mr. Leone, seconded by Mrs. Fatica and carried in a unanimous roll call vote.

**Res. 18, 2018 – Est.
Process for Obtaining
County Grants to
Other Organizations**

Mr. Leone moved to table Resolution 18, 2018. He agrees with the concept of the resolution but wanted to wait one more meeting to get more information before voting. This was seconded by Mrs. Fatica and carried in a unanimous roll call vote.

**BOARD/AUTHORITY
APPOINTMENTS**

Mr. Horton moved to approve the following Board/Authority appointments:

- Appointment of Brian P. McGrath to the Erie County Land Bank to represent Mrs. Fatica’s District.
- Appointment of Bernard Slomski to the Erie County Land Bank to represent Mr. Anderson’s District.
- Appointment of James Cardman to the Erie County Land Bank to represent Mrs. Loll’s District.
- Appointment of James T. Domino to the Erie County Land Bank to represent Mr. Leone’s District.
- Appointment of David Mitchell to the Erie County Land Bank to represent Mr. Rastetter’s District.
- Appointment of Sandra Myers to the Office of Children and Youth Advisory Board to represent Mr. Rastetter’s District.

There being no further business, the meeting then adjourned at 7:33 p.m.

Deneé M. Breter, Council Secretary
